

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SONNY JAMES MORALES,) Case No.: 1:20-cv-00894-KES-HBK (HC)
Petitioner,)
v.) ORDER ADOPTING THE FINDINGS AND
A. COVELLO,) RECOMMENDATIONS, DENYING PETITION
Respondent.) FOR WRIT OF HABEAS CORPUS,
) DIRECTING CLERK OF COURT TO CLOSE
) CASE, AND DECLINING TO ISSUE
) CERTIFICATE OF APPEALABILITY
) Docs. 1, 23
)

Petitioner Sonny James Morales is a state prisoner proceeding pro se on a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Doc. 1. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 25, 2024, the assigned magistrate judge issued findings and recommendations recommending that the petition for writ of habeas corpus be denied as without merit, and that the Court decline to issue a certificate of appealability. Doc. 23. Those findings and recommendations were served upon all parties and contained notice that any objections thereto were to be filed within fourteen (14) days after service. In addition, the parties were “advised that failure to file objections within the specified time may result in the waiver of rights on appeal.” *Id.*, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014); *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991). Petitioner has not filed objections, and the

1 deadline to do so has expired.

2 According to 28 U.S.C. § 636(b)(1), this Court performed a de novo review of this case.
3 Having carefully reviewed the matter, the Court concludes the findings and recommendations are
4 supported by the record and proper analysis.

5 A petitioner seeking a writ of habeas corpus has no absolute entitlement to appeal; rather,
6 an appeal is allowed only in certain circumstances. *Miller-El v. Cockrell*, 537 U.S. 322, 335–36
7 (2003); 28 U.S.C. § 2253. If a court denies a habeas petition on the merits, the court may issue a
8 certificate of appealability only “if jurists of reason could disagree with the district court’s
9 resolution of [the petitioner’s] constitutional claims or that jurists could conclude the issues
10 presented are adequate to deserve encouragement to proceed further.” *Miller-El*, 537 U.S. at 327;
11 *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). While the petitioner is not required to prove the
12 merits of his case, he must demonstrate “something more than the absence of frivolity or the
13 existence of mere good faith on his . . . part.” *Miller-El*, 537 U.S. at 338.

14 The Court finds that reasonable jurists would not find the Court’s determination that the
15 petition should be denied debatable or wrong, or that the issues presented are deserving of
16 encouragement to proceed further. Petitioner has not made the required substantial showing of the
17 denial of a constitutional right. Therefore, the Court declines to issue a certificate of appealability

18 Based upon the foregoing, the Court ORDERS:

- 19 1. The findings and recommendations issued on November 25, 2024, Doc. 23, are
20 ADOPTED in full.
- 21 2. The petition for writ of habeas corpus (Doc. 1) is DENIED.
- 22 3. The Court declines to issue a certificate of appealability.
- 23 4. The Clerk of the Court is directed to close this case.

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26 IT IS SO ORDERED.

27 Dated: January 5, 2025


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UNITED STATES DISTRICT JUDGE

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